

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:16-cv-01489-HB**

DUNCAN v. OMNI INSURANCE COMPANY
Assigned to: HONORABLE HARVEY BARTLE, III
Cause: 28:1441 Notice of Removal- Insurance Contract

Date Filed: 04/01/2016
Date Terminated: 09/28/2016
Jury Demand: Plaintiff
Nature of Suit: 110 Contract: Insurance
Jurisdiction: Diversity

Plaintiff

RICHARD DUNCAN

represented by **JAMES C. HAGGERTY**
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V.

Defendant

OMNI INSURANCE COMPANY

represented by **R. BRUCE MORRISON**
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Date Filed	#	Docket Text
04/01/2016	<u>1</u>	NOTICE OF REMOVAL by OMNI INSURANCE COMPANY from Philadelphia CCP, case number 160300267. (Filing fee \$ 400 receipt number 137986), Certificate of Service. (tj,) (Entered: 04/04/2016)
04/01/2016	<u>2</u>	Disclosure Statement Form pursuant to FRCP 7.1 Identifying Corporate Parent AMERICAN INDEPENDENT COMPANIES INC. for OMNI INSURANCE COMPANY. with Certificate of Service by OMNI INSURANCE COMPANY.(tj,) (Entered: 04/04/2016)
04/08/2016	<u>3</u>	DEFENDANTS ANSWER WITH AFFIRMATIVE DEFENSES, by OMNI INSURANCE COMPANY. CERTIFICATE OF SERVICE, EXHIBITS.(sg,) (Entered: 04/08/2016)
04/11/2016	<u>4</u>	Arbitration Certification that case exceeds the sum of \$150,000.00 exclusive of interest and costs (Attachments: # <u>1</u> Certificate of Service Certification of Service)(HAGGERTY, JAMES) (Entered: 04/11/2016)
04/12/2016	<u>5</u>	NOTICE of Hearing: STATUS CONFERENCE SET FOR 4/25/2016 04:15 PM IN JUDGE BARTLE'S CHAMBERS BEFORE HONORABLE HARVEY BARTLE III. ADDITIONAL CONFERENCE DETAILS CONTAINED HEREIN.(km,) (Entered: 04/12/2016)
04/25/2016	<u>6</u>	DEMAND for Trial by Jury by RICHARD DUNCAN. (Attachments: # <u>1</u> Certificate of Service)(HAGGERTY, JAMES) (Entered: 04/25/2016)
04/26/2016	<u>7</u>	Minute Entry for proceedings held before HONORABLE HARVEY BARTLE, III Status Conference held on 4/25/16. (jl,) (Entered: 04/26/2016)
04/26/2016	<u>8</u>	SCHEDULING ORDER: THAT PLAINTIFF SHALL FILE AND SERVE ON OR BEFORE 6/27/2016 ANY BRIEF ON THE ISSUE OF POLICY COVERAGE TOGETHER WITH A SET OF STIPULATED FACTS. DEFENDANT SHALL FILE AND SERVE ANY RESPONSIVE BRIEF ON OR BEFORE 7/11/2016. PLAINTIFF SHALL FILE AND SERVE ANY REPLY BRIEF ON OR BEFORE 7/25/2016. SIGNED BY HONORABLE HARVEY BARTLE, III ON 4/26/2016. 4/26/2016 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 04/26/2016)
05/11/2016	<u>9</u>	Original Record together with certified copy of docket entries received from Court of Common Pleas of Philadelphia County. (sg,) (Entered: 05/11/2016)
06/27/2016	<u>10</u>	STIPULATION regarding certain facts by RICHARD DUNCAN. (Attachments: # <u>1</u>

		Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(HAGGERTY, JAMES) Modified on 6/28/2016 (afm,). (Entered: 06/27/2016)
06/27/2016	<u>11</u>	MOTION for Partial Summary Judgment filed by RICHARD DUNCAN.Memorandum and certificate of service. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum, # <u>3</u> Certificate of Service, # <u>4</u> Exhibit A-1, # <u>5</u> Exhibit A-2)(HAGGERTY, JAMES) (Entered: 06/27/2016)
07/11/2016	<u>12</u>	ORDER THAT THE FIRST SCHEDULING ORDER DATED 4/26/2016 IS VACATED. DEFENDANTS SHALL FILE AND BRIEF RESPONSIVE TO THE MOTION FOR PARTIAL SUMMARY JUDGMENT BY 7/18/2016. THE PLAINTIFF SHALL FILE ANY REPLY BRIEF ON OR BEFORE 8/1/2016. SIGNED BY HONORABLE HARVEY BARTLE, III ON 7/11/2016. 7/11/2016 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 07/11/2016)
07/12/2016	<u>13</u>	NOTICE of Appearance by SUZANNE TIGHE on behalf of RICHARD DUNCAN with Certificate of Service (Attachments: # <u>1</u> Certificate of Service)(TIGHE, SUZANNE) (Entered: 07/12/2016)
07/18/2016	<u>14</u>	MOTION for Summary Judgment filed by OMNI INSURANCE COMPANY.memorandum of law, certificate of service.(MORRISON, R.) (Entered: 07/18/2016)
07/18/2016	<u>15</u>	RESPONSE in Opposition re <u>11</u> MOTION for Partial Summary Judgment filed by OMNI INSURANCE COMPANY. (MORRISON, R.) (Entered: 07/18/2016)
07/28/2016	<u>16</u>	REPLY MEMORANDUM OF LAW IN SUPPORT OF re <u>11</u> MOTION for Summary Judgment filed by RICHARD DUNCAN, CERTIFICATE OF SERVICE. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Exhibit A-1, # <u>3</u> Exhibit A-2)(HAGGERTY, JAMES) Modified on 7/29/2016 (afm,). (Entered: 07/28/2016)
07/28/2016	<u>17</u>	RESPONSE in Opposition re <u>14</u> MOTION for Summary Judgment of <i>Omni Insurance Company</i> filed by RICHARD DUNCAN. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Certificate of Service, # <u>3</u> Exhibit A-1, # <u>4</u> Exhibit A-2)(HAGGERTY, JAMES) (Entered: 07/28/2016)
08/11/2016	<u>18</u>	MOTION for Leave to File <i>Reply Brief</i> filed by OMNI INSURANCE COMPANY.Rule 7.1(b) Certification; Certificate of Service. (Attachments: # <u>1</u> Exhibit A - Reply Brief) (SACHS, TERESA) (Entered: 08/11/2016)
08/12/2016	<u>19</u>	ORDER THAT DEFENDANT OMNI INSURANCE COMPANY'S UNOPPOSED MOTION SEEKING LEAVE TO SUBMIT A SHORT REPLY BRIEF IS GRANTED. THE CLERK IS DIRECTED TO DOCKET THE REPLY ATTACHED AS AN EXHIBIT TO SAID MOTION UNDER A SEPERATE DOCKET ENTRY. SIGNED BY HONORABLE HARVEY BARTLE, III ON 8/12/2016. 8/12/2016 ENTERED AND COPIES E-MAILED. (ems) (Entered: 08/12/2016)
08/12/2016	<u>20</u>	OMNI INSURANCE COMPANY'S REPLY MEMORANDUM OF LAW ON CROSS-MOTIONS FOR SUMMARY JUDGMENT by OMNI INSURANCE COMPANY. Certificate of Service. (ems) (Entered: 08/12/2016)
09/28/2016	<u>21</u>	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE HARVEY BARTLE, III ON 9/28/2016. 9/28/2016 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 09/28/2016)
09/28/2016	<u>22</u>	ORDER THAT THE MOTION OF DEFENDANT OMNI INSURANCE COMPANY FOR SUMMARY JUDGMENT (DOC. <u>14</u>) IS GRANTED. THE MOTION OF PLAINTIFF RICHARD DUNCAN FOR PARTIAL SUMMARY JUDGMENT (DOC. <u>11</u>)

) IS DENIED. SIGNED BY HONORABLE HARVEY BARTLE, III ON 9/28/2016. 9/28/2016 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 09/28/2016)
09/28/2016	<u>23</u>	ORDER THAT SUMMARY JUDGMENT IS ENTERED IN FAVOR OF DEFENDANT AND AGAINST PLAINTIFF. SIGNED BY HONORABLE HARVEY BARTLE, III ON 9/28/2016. 9/28/2016 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 09/28/2016)
09/29/2016	<u>24</u>	MOTION for Reconsideration re <u>23</u> Order Dismissing Case filed by RICHARD DUNCAN.Memorandum and certificate of service. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Certificate of Service, # <u>3</u> Text of Proposed Order)(HAGGERTY, JAMES) (Entered: 09/29/2016)
10/04/2016	<u>25</u>	ORDER THAT PLAINTIFFS MOTION FOR RECONSIDERATION (DOC. <u>24</u>) IS DENIED. SIGNED BY HONORABLE HARVEY BARTLE, III ON 10/4/2016.10/4/2016 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 10/04/2016)

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